

# TASMANIA

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## **NATION BUILDING AND JOBS PLAN FACILITATION (TASMANIA) BILL 2009**

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**SCHEDULE 1 – THE AGREEMENT**

**NATION BUILDING AND JOBS PLAN  
FACILITATION (TASMANIA) BILL 2009**

*(Brought in by the Premier, the Honourable David John  
Bartlett)*

**A BILL FOR**

**An Act to facilitate and expedite the implementation in  
Tasmania of a national partnership agreement on nation  
building and jobs between the Commonwealth and the  
various States and Territories and for related matters**

**Preamble**

Whereas –

- (a) on 5 February 2009 the Commonwealth and the various States and Territories entered into an agreement called the “National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now”; and
- (b) the main object of the agreement is to provide an economic stimulus to Australia’s economy through infrastructure projects that will support economic growth and employment as part of a national response to the current global financial crisis; and
- (c) Tasmania is obligated under the agreement to ensure, and remove impediments to, its timely and effective implementation in and for this State:

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Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Nation Building and Jobs Plan Facilitation (Tasmania) Act 2009*.

**2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

**3. Interpretation**

(1) In this Act, unless the contrary intention appears –

**“construction works”** includes, but is not limited to –

- (a) site clearance, land stabilisation and like preparatory works; and
- (b) excavation and demolition works; and
- (c) the erection of scaffolding; and

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- (d) the erection or modification of any structure; and
  - (e) the off-site prefabrication of building components; and
  - (f) painting, landscaping and other cosmetic works; and
  - (g) the installation of service infrastructure; and
  - (h) the on-site placement of fixed cranes and gantries; and
  - (i) foundation works including pile driving and form work;

**“EPA Director”** means the Director, Environment Protection Authority appointed under section 18 of the *Environmental Management and Pollution Control Act 1994*;

**“key particulars”**, of a project, means –

- (a) the type of project (in terms of whether it is a social housing, school infrastructure or other project); and
- (b) the relevant use or development; and
- (c) its exact site (including the identity of the relevant land); and

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- (d) a brief description of what it involves (including the scope and nature of the required works); and
- (e) the identity and business address of its proponent;

**“law of the State”** includes –

- (a) a State policy; and
- (b) a council by-law; and
- (c) a planning scheme;

**“local newspaper”**, for a project, means a daily newspaper published in the State and circulating generally in the same region as that in which the project is undertaken;

**“NPA”** means the agreement referred to in the preamble to this Act and set out in Schedule 1, as from time to time amended;

**“NPA project”** means a project declared under section 5 to be an NPA project;

**“Planning Act”** means the *Land Use Planning and Approvals Act 1993*;

**“Planning Minister”** means the Minister administering the Planning Act;

**“planning permit”** means a permit within the meaning of the Planning Act;

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**“planning scheme”** includes a special planning order, planning directive or interim order under the Planning Act;

**“project”** means –

- (a) a social housing project; or
- (b) a school infrastructure project; or
- (c) another project, contemplated by the NPA, prescribed by the regulations;

**“Project Authority”** means –

- (a) for an NPA project that is a social housing project, the Director of Housing under the *Homes Act 1935*; and
- (b) for an NPA project that is a school infrastructure project, the Secretary of the responsible Department in relation to the *Education Act 1994*; and
- (c) for another kind of NPA project, a person prescribed by the regulations;

**“proponent”** means the proponent of a project;

**“regulations”** means regulations made and in force under this Act;

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**“relevant council”**, for a project, means the council of the municipal area in which the project is undertaken;

**“relevant planning scheme”**, for an NPA Project, means the planning scheme that would, but for section 6(1)(a), apply to the site;

**“relevant use or development”** means –

- (a) for an NPA project that is yet to be certified under section 12, the prospective use or development associated with the project; or
- (b) for an NPA project that has been certified under section 12, the use or development associated with the project (as fixed and specified in the certification);

**“school infrastructure”** includes, but is not limited to –

- (a) classrooms, laboratories and language centres; and
- (b) assembly halls, administrative facilities, canteens and places of worship; and
- (c) facilities for students with disabilities or special needs; and
- (d) pools, gymnasiums, sports grounds and related facilities; and



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- (e) playgrounds, play equipment, shelters and shade structures; and
  - (f) related fencing, landscaping and cosmetic works; and
  - (g) related electricity, water and similar service infrastructure; and
  - (h) reroofing, hazard removal and similar refurbishment and safety works; and
  - (i) insulation, solar energy, recycling and like sustainable use and energy facilities;

“**site**” means the site of a project;

“**social housing**” includes, but is not limited to –

- (a) housing for people who are homeless or at risk of becoming homeless; and
- (b) housing for people with special needs or disabilities; and
- (c) housing for Indigenous Australians; and
- (d) housing for aged people; and
- (e) housing for people on low incomes; and

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- (f) respite, refuge and like emergency housing; and
  - (g) short-term family support accommodation for hospital patients; and
  - (h) group facilities annexed to or improving the amenity of social housing; and
  - (i) the refurbishment of existing social housing stocks; and
  - (j) related infrastructure, service and safety works; and
  - (k) related fencing, landscaping and cosmetic works; and
  - (l) related electricity, water and similar service infrastructure; and
  - (m) related amenities including playgrounds and play equipment for children.
- (2) In this Act, a reference to a project includes a reference to any partially completed project.
- (3) Unless the contrary intention appears, an expression used in this Act has the same meaning as it has in the Planning Act.

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**4. Act binds Crown**

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

## **PART 2 – DECLARATION OF NPA PROJECT**

### **5. Declaration**

- (1) The Treasurer, by notice in the *Gazette*, may declare a project to be an NPA project if satisfied that the project is –
  - (a) in furtherance of the NPA; and
  - (b) not substantially the same as a project for which, at any time before the date of the NPA, a planning permit has been refused for the site.
- (2) The declaration –
  - (a) is to set out the key particulars of the project; and
  - (b) may contain such other information as the Treasurer considers necessary or expedient in the circumstances.
- (3) The Treasurer, as soon as practicable, is to give the relevant council a notice –
  - (a) containing a copy of the declaration; and
  - (b) advising the council that it may make written representations to the proponent about the project within the time specified in the notice.

**6. Effect of declaration**

(1) If a project is declared to be an NPA project under section 5, then –

- (a) subject to section 13, neither the Planning Act nor any planning scheme applies to the project; but
- (b) no construction works may be undertaken for the project unless and until the project is certified under section 12.

(2) For this section –

**“construction works”** does not include –

- (a) the erection of fencing or other security measures; or
- (b) the erection of promotional or information hoardings about the project; or
- (c) any site disturbance or minor technical works that may be necessary or incidental for surveying, soil testing or like preparatory processes; or
- (d) pre-project archaeological excavations.

**7. Public consultation**

- (1) As soon as practicable after a project has been declared to be an NPA project under section 5, the proponent is to cause a notice to be published in a local newspaper stating –
  - (a) that the declaration has been made; and
  - (b) the matters specified in the declaration; and
  - (c) where the project information is to be exhibited; and
  - (d) the period during which the project information is to be exhibited; and
  - (e) that any person may submit written representations to the proponent about the project; and
  - (f) the period during which such representations may be made; and
  - (g) the address to which such representations may be sent; and
  - (h) the place where project information may be obtained; and
  - (i) the cost, if any, of obtaining project information.
- (2) The proponent is to cause the project information to be publicly exhibited consistently with –

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- (a) the notice; and
  - (b) the requirements, if any, prescribed by the regulations.
- (3) For this section, project information may be exhibited, though not exclusively, by electronic means.
- (4) In this section –
- “project information”** includes –
- (a) the key particulars of the project; and
  - (b) if available, building and site plans.

**8. Environmental consultation**

- (1) This section applies if –
- (a) a project has been declared to be an NPA project under section 5; and
  - (b) the relevant use or development would, but for section 6(1)(a), be a use or development that, under a planning scheme applying to the site, is prohibited, or permitted only if a planning permit is granted.
- (2) The proponent, as soon as practicable, is to –
- (a) notify the EPA Director of the project; and

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- (b) request the EPA Director to make representations to the proponent if that Director has any concerns with the relevant use or development.

**9. Representations and consultation**

- (1) The relevant council may make representations to the proponent in response to and in accordance with the notice under section 5(3).
- (2) The EPA Director may make representations to the proponent in response to and in accordance with the notice under section 8.
- (3) Any other person may make representations to the proponent in response to and in accordance with the notice under section 7.
- (4) The proponent, on its own motion, may consult any person about the project.
- (5) The Project Authority may –
  - (a) require the proponent to provide it with reasonable information about the project; and
  - (b) consult any person about the project.



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**10. Consideration of representations and modification of project, &c.**

- (1) This section applies if any representations are made in respect of an NPA project in accordance with this Act.
- (2) The proponent is to consider the representations.
- (3) The proponent, having regard to the representations and any relevant matters, may modify the project to take into account any of those representations or relevant matters but not so as to –
  - (a) change the site; or
  - (b) increase the overall scale of the project; or
  - (c) substantially change the relevant use or development.
- (4) In this section –

**“relevant matters”** includes, but is not limited to –

  - (a) the provisions of any planning scheme that, but for section 6(1)(a), would apply to the relevant use or development; and
  - (b) Aboriginal heritage; and
  - (c) historic cultural heritage; and

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- (d) natural hazards, artificial hazards and land contamination; and
- (e) known landslip areas; and
- (f) site access, infrastructure and parking; and
- (g) traffic flows and impacts; and
- (h) density to open-space ratios; and
- (i) residential amenity, safety and security; and
- (j) energy efficiency and sustainability; and
- (k) water management; and
- (l) the interests of nearby commerce; and
- (m) any matter prescribed by the regulations.

## **PART 3 – CERTIFICATION OF NPA PROJECT**

### **11. Application**

- (1) This section applies once, to the applicable extent, the procedures under Part 2 have been followed for a project.
- (2) The proponent may apply to the Project Authority to have the project certified as an NPA project.
- (3) If the regulations prescribe application requirements (which may include fees) the proponent's application for certification –
  - (a) must be in accordance with those requirements; and
  - (b) is invalid if it is not.
- (4) The Project Authority may –
  - (a) make such enquiries of such persons; and
  - (b) require the proponent to provide it with such evidence or information –as that Authority reasonably considers necessary or expedient for a proper consideration of the application.

## **12. Certification**

- (1) On receipt of application under section 11(2), the Project Authority, by instrument in writing, may certify an NPA project if satisfied that –
  - (a) the application is valid; and
  - (b) the required actions under section 5(3), section 7 and, if applicable, section 8 have been taken for the project; and
  - (c) the representations, if any, made under this Act in respect of the project have been considered by the proponent; and
  - (d) the concerns, if any, of the EPA Director have been or will be adequately addressed; and
  - (e) any modifications of the project made pursuant to section 10 have not –
    - (i) changed the site; or
    - (ii) increased the overall scale of the project; or
    - (iii) substantially changed the relevant use or development.
- (2) The certification is to –
  - (a) fix and specify the relevant use or development; and
  - (b) set out the other key particulars of the project; and

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- (c) may contain such other information as the Project Authority considers necessary or expedient in the circumstances.
  - (3) For the purposes of subsection (2)(a), the relevant use or development may include any use or development associated with the project, whether or not the use or development is to be undertaken by or on behalf of the proponent.
  - (4) As soon as practicable after certifying an NPA project, the Project Authority is to –
    - (a) cause notice of the certification to be given in the *Gazette*; and
    - (b) notify the relevant council; and
    - (c) notify the EPA Director (if that Director made representations to the proponent in response to and in accordance with the notice under section 8); and
    - (d) promulgate the certification in such other ways as that Authority may consider necessary or expedient.

**13. Effect of certification**

- (1) This section applies once an NPA Project has been certified under section 12.
- (2) Construction works may be undertaken in accordance with the certification.

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- (3) If the relevant planning scheme does not require amendment pursuant to section 14 then –
  - (a) despite section 6(1)(a), the Planning Act applies to the relevant use or development; and
  - (b) if the relevant use or development would, but for section 6(1)(a), be a use or development that, under a planning scheme applying to the site, is permitted only if a planning permit is granted, the certification is taken to be a planning permit authorising that use or development in accordance with the certification.
- (4) If the relevant planning scheme does require amendment under section 14, then, once those amendments have been made –
  - (a) despite section 6(1)(a), the Planning Act applies to the relevant use or development; and
  - (b) if the relevant use or development would, but for section 6(1)(a), be a use or development that, under a planning scheme applying to the site, is prohibited, or permitted only if a planning permit is granted, the certification is taken to be a planning permit authorising that use or development in accordance with the certification.

**14. Consequential amendment of planning schemes**

- (1) As soon as practicable after an NPA project has been certified under section 12, the Planning Minister must –
  - (a) consult the local council to determine if the relevant planning scheme requires amendment consequent on the certification; and
  - (b) if applicable, amend the relevant planning scheme to the necessary extent.
- (2) For subsection (1), the necessary extent is that which enables the relevant use or development for the project to be lawfully undertaken on the site (after section 13 applies to it) in accordance with the permit taken to have been granted for the project pursuant to that section.
- (3) The Planning Act does not apply to the amendment of a planning scheme under subsection (1).
- (4) However, nothing in this section is to be taken to prevent the further amendment, under the Planning Act, of a planning scheme after the completion of the NPA project.
- (5) The Planning Minister, on amending a planning scheme pursuant to this section, is to give such public and other notice of the amendment as that Minister considers necessary or expedient in the circumstances.

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- (6) However, if the regulations prescribe any specific notification requirements for subsection (5), the Planning Minister is to comply with those requirements.



## **PART 4 – MISCELLANEOUS**

### **15. Change of proponent**

A declaration or certification of an NPA project is not affected by any change in the identity of the proponent or, if applicable, the number of persons constituting the proponent.

### **16. Delegation**

- (1) A Project Authority may delegate any of its powers or functions under this Act other than this power of delegation.
- (2) The Planning Minister may delegate any of his or her powers or functions under this Act other than this power of delegation.
- (3) The powers and functions of the Treasurer under this Act are not delegable.

### **17. Compliance with other laws**

The certification of an NPA project does not constitute authority for any construction works or other actions to be undertaken for the project contrary to –

- (a) the Planning Act (except to the extent provided by this Act); or
- (b) the *Aboriginal Relics Act 1975*; or

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- (c) the *Building Act 2000*; or
- (d) the *Historic Cultural Heritage Act 1995*;  
or
- (e) any other law of the State.

**18. Limitation of appeals**

Despite the provisions of any other law of the State –

- (a) a person is not entitled to appeal to a body or other person, court or tribunal; and
- (b) no order or review may be made under the *Judicial Review Act 2000*; and
- (c) no declaratory judgment may be given; and
- (d) no other action or proceeding may be brought –

in respect of any action, decision, process, matter or thing arising out of or relating to the declaration or certification of an NPA project under this Act.

**19. Service of notices**

A notice or other document is effectively given to a person under this Act if –

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- (a) in the case of a natural person, it is –
  - (i) handed to the person; or
  - (ii) left at, or sent by post to, the person's postal or residential address or place of business or employment last known to the giver of the notice or document; or
  - (iii) faxed to the person's fax number; or
  - (iv) emailed to the person's email address; and
- (b) in the case of any other person, it is –
  - (i) left at, or sent by post to, the person's principal or registered office or principal place of business; or
  - (ii) faxed to the person's fax number; or
  - (iii) emailed to the person's email address.

**20. Act prevails over other laws**

If a provision of this Act conflicts with a provision of another law of the State, the provision of this Act prevails.

## **21. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may prescribe requirements in relation to –
  - (a) instruments made under this Act; and
  - (b) the giving of notifications or information under this Act; and
  - (c) exhibitions under section 7; and
  - (d) the making of representations under this Act.
- (3) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Treasurer, the Planning Minister or a Project Authority.

## **22. Status of instruments under Act, &c.**

- (1) Unless the contrary intention appears, a notice or other instrument under this Act –
  - (a) is not a statutory rule for the purposes of the *Rules Publication Act 1953*; and

(b) may not be declared under the *Subordinate Legislation Act 1992* to be subordinate legislation for the purposes of that Act.

(2) A notice under this Act may be combined with any other such notice.

### **23. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Treasurer; and
- (b) the department responsible to the Treasurer in relation to the administration of this Act is the Department of Treasury and Finance.

### **24. Expiry of Act**

- (1) This Act (other than Part 1 and section 18) expires on 31 December 2012 or at such earlier time as the Treasurer, by notice before that date, may declare.
- (2) A notice under subsection (1) is a statutory rule for the purposes of the *Rules Publication Act 1953*.

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**SCHEDULE 1 – THE AGREEMENT**

Section 3

**NATIONAL PARTNERSHIP  
AGREEMENT ON THE NATION  
BUILDING AND JOBS PLAN:  
BUILDING PROSPERITY FOR  
THE FUTURE AND  
SUPPORTING JOBS NOW**

Council of  
Australian  
Governments



An agreement between

- the Commonwealth of Australia and
- the States and Territories, being:
  - ▼ The State of New South Wales
  - ▼ The State of Victoria
  - ▼ The State of Queensland
  - ▼ The State of Western Australia
  - ▼ The State of South Australia
  - ▼ The State of Tasmania
  - ▼ The Australian Capital Territory
  - ▼ The Northern Territory of Australia

An agreement between the Commonwealth and the States and Territories to facilitate coordination, monitoring and delivery of timely economic stimulus through building prosperity for the future and supporting jobs now.

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# National Partnership on the Nation Building and Jobs Plan

## PRELIMINARIES

1. This agreement is created subject to the provisions of the Intergovernmental Agreement on Federal Financial Relations and should be read in conjunction with that Agreement and subsidiary schedules.
2. The Parties are committed to taking steps to address the implications of the global economic recession for Australia. That commitment is embodied in the objectives and outcomes of this agreement. However, the Parties have also agreed other objectives and outcomes which the Parties will pursue through the broadest possible spectrum of government action. Consequently, this agreement will be implemented consistently with the objectives and outcomes of all National Agreements and National Partnerships entered into by the Parties.
3. This National Partnership Agreement is aimed at maximising the timely and effective delivery of the Commonwealth's Nation Building and Jobs Plan announced on 3 February 2009 and the December 2008 Nation Building Statement. The Plan will have maximum impact only if the Parties ensure the capital investment committed is genuinely additional to existing effort (i.e. maintenance of effort) and has a net stimulus impact across all areas funded under the Plan, including regional roads, black spots and boom gates, energy efficient homes, social housing and building the education revolution.
4. The Agreement involves:
  - (a) support for implementation and monitoring of these commitments through new National Coordination arrangements, reporting to the Council of Australian Governments (COAG) (see Schedule A);
  - (b) a process overseen by Heads of Treasuries and reporting to COAG through the Ministerial Council for Federal Financial Relations (see schedule B) to ensure the maximum additional benefit is derived from new infrastructure and stimulus measures;
  - (c) the commitment by all jurisdictions, within a best value approach, to give priority in contracting and tendering arrangements to businesses that have a demonstrated commitment to adding or retaining trainees and apprentices; and
  - (d) facilitation payments by the Commonwealth for Social Housing and Building the Education Revolution (see Schedules C and D).

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**FORMALITIES**

**Parties to this Agreement**

5. In entering this Agreement, the Commonwealth and the States and Territories (the Parties) recognise that they have a mutual interest in the timely delivery of additional economic stimulus to address the current global financial crisis.

**Term of the Agreement**

6. This Agreement will commence as soon as the Commonwealth and one other Party signs the Agreement and will expire on 31 December 2012, or earlier termination as agreed in writing by the Parties.

**OBJECTIVES, OUTCOMES AND OUTPUTS**

7. Through this Agreement, the Parties commit to meeting the **objective** of timely economic stimulus aimed at improved nation building and supporting economic growth and jobs. The Agreement will contribute to **outcomes** of boosting demand and supporting employment over the next two years, and adding to the productive capacity of the economy in the longer term. It will include the following **outputs**:
  - a) governance arrangements for overseeing, monitoring and implementing the commitments, including through:
    - (i) National Coordination arrangements as outlined in Schedule A; and
    - (ii) Heads of Treasuries arrangements for reporting expenditure as outlined in Schedule B;
  - b) around 20,000 social housing units and repairs and maintenance to around 2,500 existing public housing dwellings, providing stimulus to the building and construction industry and, through consolidation of waiting lists, growth of the not-for-profit sector, funding reform and reduction of concentrations of disadvantage, providing significant reform of social housing (see Schedule C);
  - c) new facilities such as libraries and multi-purpose halls in primary schools, and science and language laboratories in secondary schools, and upgrading, refurbishment and minor capital works in all schools, improving infrastructure and learning environments and creating jobs in local communities (see Schedule D);
  - d) additional Black Spot safety projects; additional regional road maintenance; and accelerated installation of boom gates and other active control mechanisms at high-risk rail crossings boom gates; and
  - e) other commitments that may in future be added to this agreement through additional schedules agreed by the Parties.

**ROLES AND RESPONSIBILITIES OF EACH PARTY**

8. To realise the objectives and commitments in this Agreement, each Party has specific roles and responsibilities outlined in the schedules to this agreement.



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**Role of the Commonwealth**

9. The Commonwealth will provide financial contributions to States, as set out in this Agreement, and undertake other activity as set out in Schedules C and D to this Agreement.

**Role of the States**

10. The States and Territories ('States') will implement the agreement, maintain expenditure effort in the areas set down in paragraph 3 and provide any financial contributions or in-kind support identified within the respective Bilateral Agreements or Implementation Plans as set out in this Agreement, and undertake other activity as set out in Schedules C and D to this Agreement.

**Shared**

11. The States and the Commonwealth together will work in partnership to:
- a) establish the monitoring mechanisms set out in Schedules A and B to facilitate problem solving as well as to ensure that the development and implementation of the stimulus package proceeds quickly and smoothly;
  - b) participate in consultations as appropriate regarding implementation of this Agreement;
  - c) plan and implement Implementation Plans attached to this Agreement;
  - d) reach prior agreement on the nature and content of any events, announcements, promotional material or publicity relating to activity under this agreement, and the roles and contributions of both the Commonwealth and the States will be acknowledged and recognised appropriately;
  - e) identify and share best practice across all parties to this Agreement and provide information and assistance with the overarching evaluation of this Agreement; and
  - f) provide sufficient data to enable effective planning and a thorough evaluation of outcomes of the Agreement.

**Delegations**

12. Within the Commonwealth:
- a) the Prime Minister is responsible for the coordination mechanism described in Schedule A;
  - b) the Treasurer is responsible for the monitoring mechanism described in Schedule B;
  - c) the Minister for Families, Housing, Community Services and Indigenous Affairs is responsible for the approval of bilateral agreements or other implementation plans under Schedule C; and
  - d) the Minister for Education, Employment and Workplace Relations is responsible for the approval of bilateral agreements or other implementation plans under Schedule D.

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13. Relevant Ministers will be responsible for approving bilateral agreements or implementation plans for any additional Schedules that may be added in the future.
14. Within the states:
- a) Premiers and Chief Ministers are responsible for the coordination mechanism described in Schedule A;
  - b) Treasurers are responsible for the monitoring mechanism described in Schedule B;
  - c) Ministers responsible for housing are responsible for the approval of bilateral agreements or other implementation plans under Schedule C; and
  - d) Ministers for education are responsible for the approval of bilateral agreements or other implementation plans under Schedule D.
15. Relevant Ministers will be responsible for approving bilateral agreements or other implementation plans for any additional Schedules that may be added in the future.

**PERFORMANCE BENCHMARKS AND REPORTING**

**Performance benchmarks and indicators**

16. The Commonwealth and the States agree to:
- (a) follow the coordination and implementation arrangements set out in Schedule A;
  - (b) report on expenditure and output benchmarks as set out in Schedule B; and
  - (c) meet key milestones set out in detail in Bilateral Agreements or Implementation Plans under schedules C and D.

**Reporting**

17. The reporting requirements under this Agreement are set out in Schedules A to D.

**FINANCIAL ARRANGEMENTS**

**Funding**

18. The Commonwealth will make National Partnership payments to the States pursuant to this Agreement.
19. Arrangements for developing, monitoring and reporting on expenditure and output benchmarks for each of the sectors covered by this Agreement are set out in Schedule B.

**Payment schedule**

20. The Commonwealth will provide facilitation payments to the States as set out in Schedules C and D.

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**GOVERNANCE ARRANGEMENTS**

**Dispute resolution**

- 21. Any Party may give notice to other Parties of a dispute under this Agreement.
- 22. If a dispute is unable to be resolved between the Parties, it may be referred by a Party to COAG for consideration.

**Review of the Agreement**

- 23. The Commonwealth will review the Agreement, in consultation with the States, in 2010.

**Variation of the Agreement**

- 24. The Agreement may be amended at any time by agreement in writing by all the Parties and under terms and conditions as agreed by all the Parties.
- 25. A Party to the Agreement may terminate its participation in the Agreement at any time by notifying all the other Parties in writing.

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26. The Parties have confirmed their commitment to this agreement as follows:

*Signed for and on behalf of the Commonwealth  
of Australia by*

.....  
**The Honourable Kevin Rudd MP**  
Prime Minister of the Commonwealth of Australia  
February 2009

*Signed for and on behalf of the  
State of New South Wales by*

.....  
**The Honourable Nathan Rees MP**  
Premier of the State of New South Wales  
February 2009

*Signed for and on behalf of the  
State of Queensland by*

.....  
**The Honourable Anna Bligh MP**  
Premier of the State of Queensland  
February 2009

*Signed for and on behalf of the  
State of South Australia by*

.....  
**The Honourable Mike Rann MP**  
Premier of the State of South Australia  
February 2009

*Signed for and on behalf of the Australian  
Capital Territory by*

.....  
**Jon Stanhope MLA**  
Chief Minister of the Australian Capital Territory  
February 2009

*Signed for and on behalf of the  
State of Victoria by*

.....  
**The Honourable John Brumby MP**  
Premier of the State of Victoria  
February 2009

*Signed for and on behalf of the  
State of Western Australia by*

.....  
**The Honourable Colin Barnett MP**  
Premier of the State of Western Australia  
February 2009

*Signed for and on behalf of the  
State of Tasmania by*

.....  
**The Honourable David Bartlett MP**  
Premier of the State of Tasmania  
February 2009

*Signed for and on behalf of the Northern  
Territory by*

.....  
**The Honourable Paul Henderson MLA**  
Chief Minister of the Northern Territory of Australia  
February 2009

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Schedule A

# Oversight of the delivery of significant infrastructure and stimulus commitments

NATIONAL PARTNERSHIP AGREEMENT ON THE NATION  
BUILDING AND JOBS PLAN

## PRELIMINARIES

- A1. Australian Government funded infrastructure and stimulus projects are largely delivered by the States through their agencies or through commercial contracts put in place by them. New governance arrangements are required in order to ensure timely delivery of the Commonwealth's objectives for additional economic stimulus.

## OBJECTIVES, OUTCOMES AND OUTPUTS

### Objective

- A2. To establish oversight and monitoring arrangements to ensure the elements that are to be delivered through the states of the Australian Government's infrastructure investment program, set out in the December 2008 Nation Building Statement and February 2009 Nation Building and Jobs Plan, are delivered on time and meet Australian Government specifications and desired outcomes.

### Outcomes

- A3. These arrangements will enable timely, regular advice to governments on whether projects are meeting delivery timetables and objectives, and also provide advice on possible strategies and interventions to prevent slippage.

### Outputs

- A4. Under this agreement:
- (a) the Commonwealth will:
    - (i) establish an Oversight Group within the Department of the Prime Minister and Cabinet chaired by a 'Coordinator-General' to support and monitor the implementation of key infrastructure and stimulus measures;

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- (ii) for each major infrastructure or stimulus measure, nominate a National Coordinator from the relevant implementing agency, with responsibility for ensuring that milestones are achieved and any implementation issues are addressed as a matter of urgency; and
- (b) the states will establish monitoring arrangements in their respective jurisdictions similar to those outlined in A4(a) above to ensure that there is a co-ordinated project management and monitoring approach being taken to key infrastructure and stimulus measures.

#### **ROLES AND RESPONSIBILITIES OF THE PARTIES**

- A5. The Commonwealth will establish an Oversight Group within the Department of the Prime Minister and Cabinet chaired by a 'Coordinator-General' to be appointed by the end February 2009.
  - (a) The Oversight Group will work with the responsible line agencies at Commonwealth and state levels to develop project plans, including mechanisms for reducing lead times on projects and project oversight and monitoring arrangements for each of the key infrastructure and stimulus measures.
  - (b) To assist this work agencies will provide the Coordinator-General with an opportunity to work with them to develop bilateral agreements or implementation plans, or any amendments to them, prior to their finalisation, and will ensure bilateral agreements or implementation plans, and any amendments to them, are lodged with the Coordinator-General as soon as possible after they have been agreed.
- A6. States will establish similar monitoring arrangements in their respective jurisdictions by the end of February 2009 to ensure that there is a co-ordinated project management approach being taken to the investment commitments.
- A7. The Coordinators-General will oversee the work of the Commonwealth and State/Territory agencies implementing the infrastructure and stimulus measures.
  - (a) At the Commonwealth level, implementing agencies will nominate by the end February 2009 a senior official as National Coordinator for each major infrastructure and stimulus measure.
  - (b) National Coordinators will have responsibility for ensuring that milestones are achieved and any implementation issues are addressed as a matter of urgency.

#### **REPORTING**

- A8. The Oversight Group will prepare reports for COAG on the progress of implementation.
- A9. In consultation with agencies, the Oversight Group may recommend to COAG possible interventions to prevent and address concerns with project slippage, cost overruns and project delivery.

#### **DISPUTE RESOLUTION, REVIEW AND VARIATION**

- A10. In the first instance the Parties endeavour to resolve any matters of dispute through the coordination arrangements outlined in A5 to A7 above.
- A11. If a dispute is unable to be resolved it may be referred to COAG.
- A12. COAG Senior Officials may provide advice to COAG regarding the review and variation of the operation of the coordination and arrangements under this schedule. Such advice may be informed by advice from the Coordinator-General and Commonwealth and state coordinators.

Schedule B

# Coordination and monitoring principles for additional funding to the States

NATIONAL PARTNERSHIP AGREEMENT ON NATION BUILDING  
AND PROTECTING JOBS

## PRELIMINARIES – MAINTENANCE OF EFFORT

- B1. For the fiscal stimulus package to have the desired impact on the economy, it is essential that the additional stimulus flow quickly into aggregate demand. This would require that State capital expenditure in each of the targeted areas increases by the amount of the fiscal package provided, and that state capital effort already directed at the areas of the Nation Building and Jobs Plan – schools, energy efficient homes, social housing, roads and boom gates – is maintained, and that the capital investments under the Plan are additional to such effort.
- B2. This schedule establishes a framework under the new *Intergovernmental Agreement on Federal Financial Relations* to ensure the maximum additional benefit is derived from the new infrastructure and stimulus measures, and to assess whether the states have at least maintained their post-COAG expenditure effort during the period of increased Commonwealth expenditure.

## DEVELOPMENT AND COORDINATION OF SPENDING AND OUTPUT BENCHMARKS

- B3. Heads of Treasuries will establish expenditure and output benchmarks for each of the sectors to receive additional Commonwealth funding ('Expenditure Sectors'). The benchmarks will take account of:
  - (a) previously budgeted state expenditure;
  - (b) additional Commonwealth expenditure from the 29 November 2008 COAG financial package;
  - (c) State contributions to the 29 November 2008 COAG financial package;
  - (d) the additional Commonwealth funding from this fiscal stimulus package, as outlined in schedules C and D of this National Partnership agreement;
  - (e) any co-investment costs to be contributed by the states, including any on-going administration or maintenance costs; and

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- (f) the timeframe over which the expenditure is expected to occur.

- B4. Benchmarks would be agreed by the Ministerial Council for Federal Financial Relations.
- B5. Should states indicate to the Ministerial Council or to Heads of Treasuries that they consider they will not be able to expend the whole fiscal package allocated to them in the timeframe required, spending would be able to be reallocated by the Commonwealth to other States or to Commonwealth own-purpose programs.

**REPORTING AND ASSESSMENT**

- B6. States will report every three months to Heads of Treasuries on activity undertaken in the previous three months against these benchmarks, such reports to be provided within six weeks of the end of the period to which the reports relate.
  - (a) Reporting is to cover expenditure in each of the relevant sectors over the designated three month reporting period and should include an explanation in respect of any expenditure that does not meet the agreed benchmark.
  - (b) Heads of Treasuries will collate the information and provide it to the Ministerial Council within two weeks of the reporting date.
- B7. The Ministerial Council will make an assessment against the benchmarks, having regard to any explanations for failure to achieve benchmarks.

**SANCTIONS**

- B8. Under the agreement, if a state's expenditure does not meet the benchmark, the Commonwealth will impose sanctions as follows:
  - (a) making the assessment public;
  - (b) requiring the state to return the shortfall in expenditure to the Commonwealth, noting that the Commonwealth will reallocate the amount to other states and/or use it for Commonwealth own-purpose programs;
  - (c) halting further funding for that state for the relevant initiative; or
  - (d) withdrawing an amount equivalent to the reduced effort from future Commonwealth payments to the state.

**DISPUTE RESOLUTION, REVIEW AND VARIATION**

- B9. In the first instance the Parties endeavour to resolve any matters of dispute through the coordination arrangements outlined in B6 to B7 above.
- B10. If a dispute is unable to be resolved it may be referred to COAG by the Ministerial Council.



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Schedule C

# Social Housing

## NATIONAL PARTNERSHIP AGREEMENT ON THE NATION BUILDING AND JOBS PLAN

### PRELIMINARIES

- C1. The Social Housing Initiative represents a commitment by the Commonwealth Government and State and Territory Governments to significantly increase the supply of social housing throughout Australia and provide much needed accommodation to many disadvantaged Australians, particularly those who are homeless or at risk of becoming homeless. It supports existing initiatives that have previously been agreed by the COAG in November 2008 to improve social and indigenous housing and reduce homelessness.
- C2. Through this initiative the Commonwealth will commit funding of \$6.4 billion over the years 2008-09 to 2011-12. Over this period, around 20,000 additional social housing dwellings will be built together with around 2,500 existing public housing dwellings being refurbished so that they can remain available for occupancy, further increasing the net social housing stock.
- C3. Funding will be allocated to states generally on a per capita basis, subject to jurisdictions submitting suitable proposals that meet the requirements of the initiative.

### OBJECTIVES, OUTCOMES AND AGREED REFORMS

#### Objectives

- C4. The Initiative will contribute to the overarching Objective of the National Affordable Housing Agreement:  
  
**"All Australians have access to affordable, safe and sustainable housing that contributes to social and economic participation".**
- C5. The specific objectives of this Initiative are as follows:
  - (a) to increase the supply of social housing through:
    - (i) new construction; and
    - (ii) the refurbishment of existing stock that would otherwise be unavailable for occupancy.
  - (b) to provide increased opportunities for persons who are homeless or at risk of homelessness to gain secure long term accommodation; and

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- (c) to stimulate the building and construction industry, both through funding additional dwellings and increasing expenditure on repairs and maintenance. This will help stimulate businesses which supply construction materials and help to retain jobs in the industry.

**Outcomes**

C6. Through this initiative the following key outcomes are expected to be achieved:

- (a) within three years around 20,000 new social housing dwellings will be built primarily for people who are homeless or at risk of homelessness;
- (b) dwellings built will meet the needs of people on public housing waiting lists, including age and disability pensioners, Indigenous people and women with children escaping domestic violence;
- (c) new dwellings will provide around a 50 per cent reduction in the waiting time for people with high housing needs on public housing lists and a reduction in the number of low income households paying more than half their income in rent;
- (d) 75 per cent of the new dwellings constructed through this initiative will be completed by December 2010;
- (e) around 2,500 existing public housing stock will become available that would otherwise become unfit for occupation; and
- (f) this initiative will provide an immediate stimulus to the building and construction industry.

**Reform directions**

- C7. In addition to the key objectives and outcomes of this initiative, the allocation of funding to each jurisdiction under the initiative will be contingent on the jurisdiction agreeing to implement a number of reforms in the social housing sector and making a detailed progress report to COAG by December 2009. These reform directions will include:
  - (a) integration of public and community housing waiting lists;
  - (b) better social and economic participation for social housing tenants by locating housing closer to transport, services and employment opportunities;
  - (c) implementation of support arrangements to assist social housing tenants to transition from social housing arrangements to affordable private rental and home ownership as their circumstances change;
  - (d) reducing concentrations of disadvantage through appropriate redevelopment to create mixed communities that improve social inclusion;
  - (e) introduction of a national regulatory and registration system for not-for-profit housing providers to enhance the sector's capacity to operate across jurisdictions;
  - (f) increased transparency through the establishment of consistent and comparable accounting and reporting standards across jurisdictions that allow clear and objective assessments of performance that meet public accountability requirements;

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- (g) social housing providers to be subject to independent prudential supervision to protect public investment in the sector;
  - (h) improved tenancy management and maintenance benchmarks for social housing;
  - (i) improved efficiency of social housing including through better matching of tenants with appropriate dwelling types and the introduction of rent-setting policies that reflect the type of dwellings occupied by tenants;
  - (j) Introducing contestability in the allocation of funds to encourage a range of new providers and create diversification in the not-for-profit sector to enhance the ability of providers to offer housing options to a broader range of client types;
  - (k) leveraging of government capital investment to enhance the provision of social housing;
  - (l) better use of government owned land to provide more affordable housing opportunities for low income earners; and
  - (m) improved procurement practices that promote competition between proponents and provide participation opportunities for small and medium enterprises.

**ROLES AND RESPONSIBILITIES OF GOVERNMENT**

- C8. To realise the objectives and commitments of this initiative, each Government has specific roles and responsibilities, as outlined below.

**Role of the Commonwealth**

- C9. The Commonwealth will be responsible for allocating the total agreed level of Commonwealth funds to the states for the social housing proposals that are approved for funding through the initiative. The Commonwealth will:
- (a) provide a National Coordinator to oversee the measures;
  - (b) make final decisions on which proposals will receive funding; and
  - (c) negotiate and have responsibility for the management of an implementation plan with each jurisdiction that sets out the proposals and funding that will be supported through the initiative. An agreed implementation plan will need to be in place before any funding can be released through the initiative. The implementation plan will be amended as necessary to reflect additional funded proposals.

**Role of the States**

- C10. States will be responsible for identifying social housing projects within their jurisdiction that are already in their development pipelines and can be brought forward and be completed before 30 June 2010. These projects will be funded through Stage 1 of the new construction element of the initiative.
- C11. States will be responsible for undertaking a competitive process to determine suitable social housing projects to be funded through Stage 2 of the new construction element of the initiative for 2009-10 onwards.

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- C12. States will be responsible for identifying social housing dwellings within their jurisdiction that are not suitable for occupation and would be suitable for refurbishment through the repair and maintenance element of the initiative.
- C13. States will identify, manage and report on Commonwealth approved construction projects and Commonwealth funded repair/ maintenance programs in their jurisdiction.

### **IMPLEMENTATION**

- C14. The Initiative will comprise of two elements as follows:

(a) Element 1 – New Construction

Through this element, the initiative will support the construction of new social housing dwellings that will be managed through two distinct stages:

- (i) Stage 1 will provide funding for social housing projects within jurisdictions that are already in their development pipelines and can be brought forward so that around 6,500 dwellings will be started in 2009 and will be completed before 30 June 2010
- (ii) Stage 2 will provide funding for social housing projects following the completion of a competitive process to be conducted by each jurisdiction to identify suitable projects in the market. It is expected that around 3,500 dwellings will start in 2009 and a further 10,000 in the first half of 2010, and they will be 75 per cent completed by December 2010.

(b) Element 2 – Repair and Maintenance

Through this element, the initiative will support the refurbishment of existing social housing dwellings that are not currently suitable for occupation so that they can add to the social housing stock in each jurisdiction. The repairs and maintenance will all be started in 2009.

- C15. Element 1 – New Construction (Stage 1)

States will be provided with an indicative funding allocation for this Stage and will be required to provide the Commonwealth with proposals for funding by 15 March 2009. The Commonwealth will assess the proposals against the key requirements of the initiative and subject to proposals meeting the key requirements, jurisdictions will receive approvals by 1 April 2009.

- C16. Element 1 – New Construction (Stage 2)

States will be provided with an indicative funding allocation based generally on a per capita basis for this Stage and will be required to provide the Commonwealth with proposals for funding by 30 June 2009. Each jurisdiction will be required to undertake a comprehensive process to identify suitable proposals in the market for funding and provide information to the Commonwealth on the approach that was taken and a summary of the process. As with Stage 1, the Commonwealth will assess the proposals against the key requirements of the initiative and subject to proposals meeting the key requirements, jurisdictions will receive approvals by 30 August 2009.

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C17. Element 2 – Repair and Maintenance

States will be provided with an indicative funding allocation for this element, based generally on a per capita basis, and will be required to provide the Commonwealth with proposals for funding by 15 February 2009. Proposals will need to clearly demonstrate that the existing social housing dwellings were unsuitable for occupation and would otherwise remain unoccupied or sold off without the additional funding. The Commonwealth will provide approvals by 1 March 2009.

**KEY REQUIREMENTS FOR PROPOSALS TO BE FUNDED UNDER  
ELEMENT 1 – NEW CONSTRUCTION**

C18. Proposals for funding under Element 1 of the initiative will be assessed against the following key requirements:

- (a) increase the supply of social housing dwellings within a jurisdiction;
- (b) having regard to reforms listed at C7 (a), (b), (c), (d), (h), (i) and (k), and in line with the report to COAG on reforms by December 2009;
- (c) increase the allocation of housing to people with highest needs on public housing waiting lists;
- (d) facilitate or support the transition of persons who are homeless or at risk of homelessness to secure, long term accommodation;
- (e) adhere to universal design principles that facilitate better access for persons with disability and older persons;
- (f) constructed dwellings are environmentally sustainable; and
- (g) promote activity in the short term using a variety of procurement arrangements, including spot purchases of house and land packages, purchases 'off the plan'.

**KEY REQUIREMENTS FOR PROPOSALS TO BE FUNDED UNDER  
ELEMENT 2 – REPAIR AND MAINTENANCE**

C19. Proposals for funding under Element 2 of the initiative will need to demonstrate that dwellings to be refurbished under the initiative:

- (a) would be otherwise uninhabitable without an upgrade; and
- (b) are located in areas that will support the economic and social participation of tenants.

**REPORTING**

C20. Each state will provide a report to the Commonwealth every three months detailing:

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- (a) the status and progress of each new social housing project within their jurisdiction that has been funded through the initiative;
- (b) the location of dwellings that have been constructed or refurbished through the initiative and their availability for rental; and
- (c) the tenant profile for each dwelling that is occupied following construction or refurbishment funded through the initiative.

C21. The Commonwealth will use this report to measure the progress of proposals against the agreed implementation plan.

### **FINANCIAL ARRANGEMENTS**

#### **Funding**

C22. As the cost to the Commonwealth Budget is intended to be one-off, any ongoing administration, maintenance or co-investment costs associated with the expenditure are to be borne by the States.

C23. Element 1 – New Construction

The following funding amounts will be available for this element of the initiative:

Stage	2008-09 (\$m)	2009-10 (\$m)	2010-2011 (\$m)	2011-12 (\$m)	Total (\$m)
Stage 1 & 2	60	3,872	1,744	312	5,988

C24. Element 2 – Repair and Maintenance

The following funding amounts will be available for this element of the initiative:

	2008-09 (\$m)	2009-10 (\$m)	2010-2011 (\$m)	2011-12 (\$m)	Total (\$m)
	200	200	-	-	400

C25. Total Funding Available

	2008-09 (\$m)	2009-10 (\$m)	2010-2011 (\$m)	2011-12 (\$m)	Total (\$m)
Total	260	4,072	1,744	312	6,388

#### **Payment Schedule**

C26. The Commonwealth and each State and Territory will negotiate a payment schedule for each element of the Initiative once the first funding proposal has been approved. The schedule will be amended as necessary where additional proposals are funded through the initiative.

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Schedule D

# Building the Education Revolution

NATIONAL PARTNERSHIP AGREEMENT ON THE NATION  
BUILDING AND JOBS PLAN

## PRELIMINARIES

- D1. Building the Education Revolution (BER) will provide new facilities and refurbishments in schools to meet the needs of 21<sup>st</sup> century students and teachers.
- D2. The three elements of the BER are:
- (a) \$12.4 billion for Primary Schools for the 21st Century – all Australian primary schools, K-12 schools (primary school component) and special schools will be eligible to apply for funding to build new iconic facilities such as libraries and multipurpose halls or to upgrade existing facilities.
  - (b) \$1 billion for Science and Language Centres for the 21st Century Secondary Schools – all secondary schools are eligible to apply for funding, on a competitive basis, for the construction of new science laboratories or language learning centres.
  - (c) \$1.288 billion for the National School Pride program – all schools in Australia, government and non-government, will be eligible to apply for funding for minor capital works and maintenance projects such as:
    - (i) the refurbishment of buildings;
    - (ii) the construction of fixed shade structures, covered outdoor learning areas, upgrades of sporting grounds and facilities, green upgrades (water tanks), insulation;
    - (iii) infrastructure support for students with disabilities or special needs; and
    - (iv) installation or purchase of Information and Communication Technology (ICT) facilities and equipment for primary schools.
- D3. As the cost to the Commonwealth budget is intended to be one-off, any ongoing administration, maintenance or co-investment costs associated with the expenditure are to be borne by the states.

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**OBJECTIVES, OUTCOMES AND OUTPUTS**

**Objectives**

- D4. To provide economic stimulus through the rapid construction and refurbishment of school infrastructure.
- D5. To build learning environments to help children, families and communities participate in activities that will support achievement, develop learning potential and bring communities together.

**Outcomes, Outputs and Performance Indicators**

D6. Outcomes

- (a) Economic stimulus and job creation in local communities.
- (b) Modern teaching and learning environments for school and community use.

D7. Outputs

The key outputs are:

- (a) the construction of major and minor infrastructure in schools within prescribed funding and timeframes;
- (b) major refurbishment of existing facilities within prescribed funding and timeframes;
- (c) maintenance works within prescribed funding and timeframes; and
- (d) creation of jobs through the construction and refurbishment of minor and major infrastructure.

D8. Performance Indicators

- (a) The key performance indicator is the number of new or refurbished facilities, including libraries and multipurpose halls in primary schools and science and language laboratories in secondary schools.
- (b) Progress measures include:
  - (i) funding application rounds undertaken;
  - (ii) construction milestones met and milestone payments made;
  - (iii) completion of projects on time;
  - (iv) amount of funding spent; and
  - (v) number of jobs created through BER projects.



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**ROLES AND RESPONSIBILITIES OF EACH PARTY**

D9. To realise the objectives and commitments in this Schedule, each Party has specific **roles** and responsibilities, as outlined below.

**Role of the Commonwealth**

D10. The Commonwealth will:

- (a) Provide a National Coordinator to oversee the BER. This coordinator will be located in the Department of Employment, Education and Workplace Relations.
- (b) Develop a fast-track system to be used by all states and Block Grant Authorities (BGAs) and schools for recording and reporting requirements and the Department of Education, Employment and Workplace Relations to monitor outcomes.
- (c) Agree, with the states, to the set of design templates to be used for each project to be submitted by the states to the Commonwealth by 16 February 2009, unless a school has a pre-approved design available, or can demonstrate that non-use of the template is reasonable, appropriate and that the building process can still be expedited and achieved in the prescribed timeframes.
- (d) Develop BER program guidelines, in consultation with the states.
- (e) Assist states and BGAs in assessing applications in the funding rounds.
- (f) Provide funding to states and BGAs of 1.5 per cent of the total funding to cover administrative costs associated with running the application process, all associated administration and reporting to the Commonwealth.

**Role of the States**

D11. The states will:

- (a) call for and assess project proposals from government schools for each BER element, in line with Commonwealth guidelines;
- (b) ensure that the design, application and assessment processes are fast-tracked, with minimal red tape;
- (c) agree, with the Commonwealth, to the set of design templates to be used for each project to be submitted by the states to the Commonwealth by 16 February 2009, unless a school has a pre-approved design available, or can demonstrate that non-use of the template is reasonable, appropriate and that the building process can still be expedited and achieved in the prescribed timeframes;
- (d) adhere to the Commonwealth's BER program guidelines;
- (e) convene assessment panels to assess proposals or develop other approaches to prioritise infrastructure projects and prepare project lists for approval by the Australian government;
- (f) accept and adhere to branding of the projects, as determined by the Commonwealth;
- (g) accept and adhere to the reporting requirements as outlined by the Commonwealth;

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- (h) work with non-government schools, systems and BGA to enable the full participation of the non-government sector in all elements of BER;
- (i) be required to pass on in a timely manner the nominated amounts to BGA in their state or territory, in accordance with Schedule D of the *Intergovernmental Agreement on Federal Financial Relations*. Nominated amounts will be advised by the Department of Education, Employment and Workplace Relations; and
- (j) appoint a state coordinator for Building the Education Revolution who will coordinate both government and non-government participation in the program.

## **PERFORMANCE BENCHMARKS AND REPORTING**

### **Reporting**

- D12. An online portal will be provided for reporting purposes for all, BGAs and schools for recording and reporting requirements.

## **FINANCIAL ARRANGEMENTS**

### **Funding**

- D13. Bilateral agreements will be made by 13 February 2009 with each state and BGA that specify the conditions, commitment, timeframes, consequences of non-compliance and reporting arrangements.
- D14. Funding is conditional on the states agreeing to:
- (a) be fully responsible for all ongoing recurrent costs and maintenance of the new and refurbished infrastructure;
  - (b) maintain their current and planned level of investment for capital infrastructure in schools over the next four years, spending it concurrently with BER funding on school infrastructure, and providing the Australian Government with evidence of capital expenditure for the past four years and estimates for the next four years;
  - (c) a set of design templates that must be used by each project, unless a school has a pre-approved design available, or can demonstrate within a specified timeframe that non-use of the template is reasonable, appropriate and that the building process can still be expedited and achieved in the prescribed timeframes;
  - (d) adhere to the Commonwealth's BER program guidelines;
  - (e) making new and refurbished facilities in primary schools, such as halls and libraries, available for community use at no cost or low cost;
  - (f) ensuring that all new buildings and refurbishments incorporate sustainable building principles;
  - (g) ensure that government schools can begin and complete projects within prescribed time frames;

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- (h) accept and adhere to reporting requirements as determined by the Australian Government; and.
- (i) accept and adhere to required branding and recognition of all projects, as determined by the Australian Government.

### **Payment Schedule**

D15. This Agreement covers the period from 2008-09 to 2011-12.

D16. Funding for each element of the BER is detailed in Table D1.

**Table D1: Funding allocation for building the education revolution (Financial Year)**

Building the Education Revolution	2008-09 (\$m)	2009-10 (\$m)	2010-11 (\$m)	Total (\$m)
Primary Schools for the 21st Century	600.8	6612.0	5219.0	12431.8
Science and Language Centres for the 21st Century	0.0	1000.0	0.0	1000.0
National School Pride program	386.4	901.6	0.0	1288.0
<b>TOTAL</b>	<b>987.2</b>	<b>8513.6</b>	<b>5219.0</b>	<b>14719.8</b>

- D17. State education departments and BGAs will receive 1.5 per cent of the total funding available in their sector to cover administrative costs associated with running the application process, all associated administration and reporting to the Commonwealth.
- D18. Any unspent funds are to be returned to the Commonwealth.
- D19. Schools will only be eligible for funding if they apply within the timeframes set for the relevant BER funding rounds.

### **Primary Schools for the 21st Century**

D20. States and BGAs will prioritise schools into three funding rounds

- (a) Under Round 1 construction must start no later than June 2009. Schools with proposals that adopt existing design templates and demonstrated readiness and capacity to build immediately will be included in the first round.
- (b) Under Round 2 construction must start no later than July-August 2009.
- (c) Under Round 3 construction must start by 1 December 2009.

D21. Milestone payments are 25 per cent on commencement; 25 per cent on milestone one; 25 per cent on milestone 2; and 25 per cent on completion. For projects less than \$0.85m, payments are 50 per cent on commencement and 50 per cent on completion.

D22. All projects must be completed by 30 June 2011.

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**Science and Language Centres for the 21st Century**

D23. Schools will be funded on a competitive basis where schools can demonstrate need, readiness and capacity to complete construction by 30 June 2010.

**National School Pride program (minor infrastructure and maintenance)**

D24. States and BGA will assess applications in each round for Commonwealth approval.

D25. Sixty per cent of projects are to commence in 2008-09, and the remaining 40 per cent in 2009-10.

(a) Round 1: 60 per cent of schools:

- (i) February-March 2009 – States and Territories and BGAs assess proposals and submit lists to the Commonwealth for approval by 30 March 2009 at the latest;
- (ii) April-May 2009 – Projects commence; and
- (iii) 31 December 2009 – Projects completed.

(b) Round 2: 40 per cent of schools

- (i) April-May 2009 – States and territories and BGAs assess proposals and submit lists to the Commonwealth for approval by 30 May at the latest;
- (ii) Late July 2009 – Projects commence; and
- (iii) February 2010 – Projects completed.

**Indicative Funding Allocations**

D26. Funding for the Science and Language Centres for the 21st Century Secondary Schools will be through a one-off competitive grants process.

D27. Funding for the Primary Schools for the 21st Century and the National School Pride program elements will be based on school size, as per Table D2 and D3.

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**Table D2: Primary Schools for the 21<sup>st</sup> century - Indicative Funding Allocation**

Primary school size	Indicative Caps (\$m)
0 to 50	0.25
51 to 150	0.85
151 to 300	2.00
301 to 400	2.50
400+	3.00

**Table D3: National School Pride program- Indicative Funding Allocations**

School size	Indicative Caps (\$m)
0 to 50	0.050
51 to 150	0.075
151 to 300	0.125
301 to 400	0.150
400+	0.200

**DISPUTE RESOLUTION, REVIEW AND VARIATION**

- D28. In the first instance the Parties endeavour to resolve any matters of dispute through the coordination arrangements outlined in Schedule A.
- D29. If a dispute is unable to be resolved it may be referred to COAG as outlined in paragraphs A8 and A9 of this Agreement.
- D30. COAG Senior Officials may provide advice to COAG regarding the review and variation of the operation of the coordination and arrangements under this schedule. Such advice may be informed by advice from the Coordinator-General, Commonwealth National Coordinators and State/Territory coordinators.